

### **REMARKS**

The Non-Final office action of April 6, 2006, has been carefully reviewed and these remarks are responsive thereto. In the current response, claims 12, 15-17, 22-25, 27-29, and 38 have been amended and claims 14, 30-33, and 37 have been cancelled. No new matter is added.

Claims 30-33 were rejected under 35 USC 112, first paragraph for allegedly failing to comply with the written description requirement. Applicant respectfully disagrees with the Office Action's position, however, to expedite prosecution, claims 30-33 have been cancelled rendering the rejection moot.

Claims 12, 14, 15, 17, 18, 22-25, 27-29, 34, and 39-42 were rejected under 35 USC 103(a) as being unpatentable over Massetti (U.S. Patent No. 5,850,249) in view of Brooks (U.S. Patent No. 5,483,276). This rejection is respectfully traversed.

Claims 12, 22-25, and 27-29 are independent claims which have been amended in this response. Independent claim 12 recites the claimed feature of "wherein said trigger comprises a unique trigger identity identification and said trigger is unique only during a specific period of use. . . ." Moreover each of independent claims 22-25 and 27-29 recite the claimed feature of "wherein said triggers comprises a unique trigger identity identification and said triggers are unique only during a specific period of use. . . ."

Support for the claimed feature of "wherein said trigger comprises a unique trigger identity identification and said trigger is unique only during a specific period of use. . ." may be found in at least Applicant's specification which states:

The structure of a preferred trigger 100 is shown in Fig. 3 and the trigger comprises a header 101 indicating that it is a trigger and a field 102 containing a unique trigger identification ID. The trigger ID 102 can be for example a numerical value, wherein different operators have different number series to ensure that each trigger has a unique ID. However, the IDs have to be unique only during a specific period of use, for example, a week or a month. When information is transferred back to the operator, see below, old IDs can be reused.

*See*; Substitute Specification Paragraphs 0025-0026

It is respectfully submitted that none of the cited references disclose, teach or suggest the claimed feature of a trigger or triggers comprising a unique trigger identity identification wherein the said triggers are unique only during a specific period of use. Therefore, for at least this reason, Applicant respectfully submits that independent claims 12, 22-25, and 27-29 are in condition for allowance. Dependent claims 13, 15-21, 26, 34-36, and 38-42 ultimately depend from one of independent claims 12, 22-25 and 27-29 and are therefore allowable for at least the same reason as the independent claim from which they ultimately depend.

In addition to the above, independent claims 12 and 24-25 recite “permitting an operator or advertiser to use the method, and giving a user an incitement to allow the use of the method.” Claims 22, 23, 27, and 28 recite “wherein an operator or advertiser is permitted to use the transmitted information and a user is given an incitement to allow the use of said transmitted information.” Claim 29 recites “permitting an operator or advertiser to use the transmitted channel identifier and time stamp, and giving a user an incitement to allow the use of the channel identifier and time stamp.” The Office Action admits that Massetti fails to teach or suggest these features but relies on Brooks to makeup for the deficiencies of Massetti. However, contrary to the Office Action’s assertion, Brooks fails to cure the deficits of Massetti.

Brooks discloses an incentive for improving an audience member's compliance in broadcast surveys (col. 4, lines 62-64). However, Brooks fails to teach or suggest "giving a user an incitement to allow the use of the method" as recited in claims 12, 24 and 25. Rather, the "incentive" in Brooks is for the user to carry the monitoring device (col. 5, lines 1-3) and does *not* provide "an incitement to allow the use" of the information by "an operator or advertiser." One of ordinary skill in the art, given the disclosure of Brooks to provide an incentive to a user to carry a monitoring device would not have also been motivated to provide an incentive to the user to permit an operator or advertiser to use transmitted information because a user merely carrying a monitoring device has no effect on whether an operator or advertiser is permitted to use transmitted information. Therefore, for at least this additional reason Applicant respectfully submits that independent claims 12, 22-25, 27-29 are in condition for allowance. Dependent claims 13, 15-21, 26, 34-36, and 38-42 ultimately depend from one of independent claims 12, 22-25, and 27-29 and are therefore allowable for at least the same reasons as the independent claim from which they ultimately depend.

Claims 13, 19-21, and 30-33 were rejected under 35 USC 103(a) as being unpatentable over Massetti in view of Brooks and further in view of Aras (U.S. Patent No. 5,872,588). This rejection is respectfully traversed.

Claims 13 and 19-21 depend from independent claim 12. Claims 30-33 have been canceled in this response. As set forth above, Massetti and Brooks, either alone or in combination, fail to teach or suggest claims 12, 22-25, and 27-29. Aras fails to cure the deficits of Massetti and Brooks. Therefore it is respectfully submitted that claims 13 and 19-21 are in

condition for allowance for at least the same reasons as independent claim 12 from which they ultimately depend.

Claim 16 was rejected under 35 USC 103(a) as being unpatentable over Massetti in view of Brooks in further view of Block (U.S. Patent No. 4,528,589). This rejection is respectfully traversed.

Claim 16 depends from claim 12. As set forth above, Massetti and Brooks, either alone or in combination, fail to teach or suggest claim 12. Block fails to cure the deficits of Massetti and Brooks. Therefore, it is respectfully submitted that claim 16 is in condition for allowance for at least the same reasons as independent claim 12 from which it ultimately depends.

Claim 26 was rejected under 35 USC 103(a) as being unpatentable over Massetti in view of Brooks in further view of Cheung (U.S. Patent No. 4,258,386). This rejection is respectfully traversed.

Claim 26 depends from claim 25. As set forth above, Massetti and Brooks, either alone or in combination, fail to teach or suggest claim 25. Cheung fails to cure the deficits of Massetti and Brooks. Therefore it is respectfully submitted that claim 26 is in condition for allowance for at least the same reasons as independent claim 25 from which it ultimately depends.

Claim 35 was rejected under 35 USC 103(a) as being unpatentable over Massetti in view of Brooks in further view of Kamada (U.S. Patent Publication No. 2003/0056208). This rejection is respectfully traversed.

Claim 35 depends from claim 25. As set forth above, Massetti and Brooks, either alone or in combination, fail to teach or suggest claim 25. Therefore it is respectfully submitted that claim 35 is in condition for allowance for at least the same reasons as independent claim 25 from which it ultimately depends.

Claims 36-38 were rejected under 35 USC 103(a) as being unpatentable over Massetti and Brooks as applied to claim 25 and further view of Jimmei (U.S. Patent 6,614,795). Claims 37 has been cancelled by this response. Applicant respectfully traverses the rejection with respect to claims 36 and 38.

Jimmei relates to a network node apparatus such as a packet transmission node and is not concerned with or related to logging of events. The Office Action states with respect to canceled claim 37 that Jimmei discloses a set-up operation for a cut-through connection for packets, col. 5, lines 53-63, col. 6, lines 14-20, which the Office Action equates to a temporary connection. However, a cut-through connection of Jimmei is set between two specific nodes instead of a regular hop-by-hop transfer and its identity should thus reasonably be the same for a later cut-through connection between the same two nodes. Further, even with a temporary connection an identity need not be unique only for a specific period of use, as the number of possible connections need not be unlimited.

As set forth above, Massetti and Brooks, either alone or in combination, fail to teach or suggest claims 12, 22-25, and 27-29. Jimmei fails to cure the deficits of Massetti and Brooks. Therefore it is respectfully submitted that claims 36 and 38 are in condition for allowance for at least the same reasons as independent claim 25 from which they ultimately depend.

All rejections and objections having been addressed, Applicant therefore respectfully requests reconsideration of the pending claims and a finding of their allowability. A notice to this effect is respectfully requested. Please feel free to contact the undersigned should any questions arise with respect to this case that may be addressed by telephone.

Respectfully submitted,

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